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COMMISSION ON HUMAN RIGHTS

Forty-seventh session

SUMMARY RECORD OF THE 20th MEETING
(FIRST PART*)

Held at the Palais des Nations, Geneva,
on Monday, 11 February 1991, at 3 p.m.

Chairman: Mr. BERNALES BALLESTEROS (Peru)

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Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights, including:

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* The summary record of the second part of the meeting appears as document E/CN.4/1991/SR.20/Add.1.

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(a) Problems related to the right to enjoy an adequate standard of living; foreign debt, economic adjustment policies and their effects on the full enjoyment of human rights and, in particular, on the implementation of the Declaration on the Right to Development;

(b) Popular participation in its various forms as an important factor in development and in the full realization of all human rights (continued)

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The meeting was called to order at 3.25 p.m.

QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS, INCLUDING:

(a) PROBLEMS RELATED TO THE RIGHT TO ENJOY AN ADEQUATE STANDARD OF LIVING; FOREIGN DEBT, ECONOMIC ADJUSTMENT POLICIES AND THEIR EFFECTS ON THE FULL ENJOYMENT OF HUMAN RIGHTS AND, IN PARTICULAR, ON THE IMPLEMENTATION OF THE DECLARATION ON THE RIGHT TO DEVELOPMENT;

(b) POPULAR PARTICIPATION IN ITS VARIOUS FORMS AS AN IMPORTANT FACTOR IN DEVELOPMENT AND IN THE FULL REALIZATION OF ALL HUMAN RIGHTS (agenda item 7) (continued) (E/CN.4/1991/11; E/CN.4/1991/NGO/6, 7 and 12; E/CN.4/Sub.2/1990/19)

QUESTION OF THE REALIZATION OF THE RIGHT TO DEVELOPMENT (agenda item 8) (continued) (E/CN.4/1991/12; E/CN.4/1991/NGO/6, 7 and 10; E/CN.4/1990/9/Rev.1)

STATUS OF THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS (agenda item 17) (continued) (E/C.12/1988/1; CCPR/C/2/Rev.2; A/45/403; A/RES/45/135)

EFFECTIVE FUNCTIONING OF BODIES ESTABLISHED PURSUANT TO UNITED NATIONS HUMAN RIGHTS INSTRUMENTS (agenda item 18) (continued) (E/CN.4/1991/46; A/45/636; A/RES/45/85 and 88)

1. Mr. RYDER (International Confederation of Free Trade Unions) said that the policies of the international financial institutions, notably those of the International Monetary Fund (IMF) and the World Bank, had commonly been identified as major obstacles to the realization of the rights under consideration. Structural adjustment programmes drawn up as conditions for international assistance to debtors had, in many cases, caused enormous suffering to working people who had not been responsible for contracting the debt but who were required to pay for it. The typical scenario of economic contraction, falling living standards and cuts in public services to meet basic needs had been repeated around the world.

2. However, those policies had not even achieved their own narrowly defined financial objectives; a decade after it had begun, the crisis was more acute than ever. The overall burden of debt had increased by an estimated 9 per cent in 1990, but the capacity of debtors to pay had not been strengthened by the austerity to which they had been subjected.

3. Clearly, for many countries, the debt was simply unpayable, and common sense, social justice and, ultimately self-interest dictated that it be substantially reduced or simply written off. Previous initiatives, such as the Brady Plan, although welcome, had proved totally inadequate in addressing the scale of the problem. There must thus be a new global initiative to end the debt crisis.

4. The IMF and the World Bank had consistently failed to involve the trade unions in formulating and implementing their policies, mainly because of government objections. Regrettably, many Governments would rather forego IMF

assistance than agree to involve trade unions in policy formulation, because they regarded independent trade unions as a threat to their power, privileges and security. That was a fact that had increasingly become a major impediment to development on the continent of Africa.

5. In countries where restrictions on collective bargaining and the formation of independent trade unions was compounded by a more general denial of human rights, the situation had become even more disturbing. It was, therefore, particularly alarming that most of the least developed countries had opposed any reference to human rights in the final declaration of the United Nations Conference on the Least Developed Countries in Paris in September 1990, a declaration that had been seriously flawed by the absence of any new commitment to development aid.

6. The legacy inherited by the new democracies of Central and Eastern Europe was the most persuasive evidence of all of the disastrous consequences for economic and social progress of undemocratic systems in which unrepresentative élites monopolized all decision-making powers and denied the population the most basic rights of expression and participation. Those countries faced enormous difficulties in building a foundation for market-oriented economies as a means to genuine development.

7. The Confederation, together with the emerging independent trade-union movement in those countries, was striving to ensure that the social dimension was included in the process of economic reform and transition. That would require the commitment of the industrialized countries and of the Governments directly concerned to work not only with the multinationals and free-market theorists but also with the genuine representatives of their own working people.

8. A separate development of concern to his organization was the rapid increase in the number and geographic extension of export processing zones around the world. Their establishment and operation might represent a pressing need for foreign exchange earnings, but, hermetically sealed and outward-looking as they were, such zones were not in a good position to contribute usefully to the overall development of their host countries. Moreover, the incentives offered to potential investors sometimes included the supply of a low-cost, docile and unprotected work force in a union-free environment. In such circumstances, the zones represented regression rather than progress.

9. The International Confederation of Free Trade Unions, recognizing the interdependence of economic, social, cultural and other human rights, had strongly supported the inclusion of a social clause in the GATT Treaty that would make trading privileges dependent upon respect for basic worker rights. While aware of the misunderstandings that that proposal had created, it remained convinced that the social clause could provide the critical link between the economic and social dimensions of development in a manner that promoted progress for all. Those delegations which had not yet been able to lend that clause their support might wish to reconsider their position in the light of the rights currently under consideration in the Commission.

10. Ms. PLUMMER (International Association against Torture) said that Security Council resolution 1990/678 was contrary to the very principles upon which the United Nations had been founded and was inconsistent with the creation of a world order based on peaceful solutions to international disputes. The resolution had led to a destructive war in the Persian Gulf that would eventually cost billions of dollars, more than enough to erase the foreign debt of a number of developing countries and contribute to the economic development of the countries of the South.

11. Certain powerful countries disregarded international instruments and resolutions when they did not coincide with their interests. An international world order based on the rule of law required States to respect the decisions of the International Court of Justice. In that connection, the United States of America was refusing to pay the fine imposed upon it by the Court for its illegal mining of the harbours of Nicaragua in the mid-1980s. By paying the fine, the United States would demonstrate its commitment to the new world order based on the force of right, and not the right of force

12. All the measures suggested to resolve the foreign debt problem were either insufficient or ran counter to the interests of the countries concerned. There could be no solution to the debt crisis without a change in the old economic mechanisms, which exploited the developing countries, made their impoverishment inevitable and submitted them, through the debt burden, to foreign economic and political control. Continuously declining prices for raw materials and increasing prices for manufactured goods favoured the accumulation of wealth in countries that were already rich.

13. The vast majority of mankind was unable to accept such an injustice forever. The cancellation of the foreign debt of the developing countries was insufficient to deal with the root of the problem: a new international economic order must be established that put an end to arbitrary economic relations between the developed and the developing countries, to selfish trade practices that made some countries the dumping ground for highly subsidized products and to the protectionist tariff and non-tariff measures applied by the European Economic Community, the United States of America and other industrialized nations.

14. In the United States, there was abundant evidence of structural defects in the capitalist means of production and distribution. The basic right to self-determination, a pillar of the right to development, was denied to major segments of the population. The system had created enclaves of underdevelopment. Enormous black and Hispanic ghettos existed. Wealth was even more unequally concentrated than previously estimated. By every measurement of social development, including infant mortality, health care, education and housing, tens of millions of people were living in conditions that mirrored those in the third world.

15. It was essential to replace the current world order by one that could ensure real development for the peoples of the world in accordance with the Declaration on the Right to Development. In moving towards that goal, the United Nations must take the necessary steps to bring about an immediate halt to the use of force in the Persian Gulf. Given its impact on the world economy, the conflict there could not but set back the development of Iraq and of the third world. The new world order must be based upon co-operation between the States of all regions, the joint use of financial resources, the

cancellation of foreign debts and the establishment of an egalitarian system to prevent one people from using force to exercise control over the land and resources of another.

16. Ms. CURBELLO (Service Justice and Peace) said that the poorest countries were not those that had the least natural resources, but those that were unable to use them. The current crisis was in the development model. The developed countries were depleting the world's non-renewable natural resources at an alarming rate, a situation that had been exacerbated by the Gulf war. At the same time, the debt burden of the Latin American countries continued to grow, the 1980s having been a lost decade for development on that continent, and future prospects were grim. The poor countries of the world were exporting raw materials, capital to pay a debt that had already been paid many times over and brainpower, to maintain the technology of the developed world.

17. Moreover, they were currently exporting soliders to fight in a war about which they had not been consulted and which would further damage their economic and human resource development. The war cast light on the existing imbalances with regard to development. The United Nations must carry out its role of promoting and enforcing the right to development if it was to maintain its credibility. The sums spent on the war would be sufficient to save millions of children every year from death by hunger and malnutrition. The Commission must speak out in favour of halting the war, so that the resources allocated to it could be used in the impoverished countries. Mechanisms must be developed to control and, if possible, prevent the sale of weapons and to ensure that the consumption of the rich countries did not exceed a certain limit.

18. The riches that were part of humanity's common heritage must be redistributed. No fees were imposed for breathing the oxygen produced in the forests of the Amazon, and the same should apply to oil. A new international system must be created based on the recognition that all countries, cultures and nationalities could contribute to creating a just world.

19. Repeated reference had been made, in connection with South Africa, to the need to create a democracy based on one man, one vote, yet that principle was not observed in the United Nations Security Council, where all the rich and powerful countries had the right to vote and the right to veto. Every country must have the same rights and obligations within the Security Council.

20. Mr. FAVRE (International Federation of Rural Adult Catholic Movements) said that the initial objective of development must be to guarantee every rural family an income enabling it to meet its basic needs and live in dignity and to provide for the self-sufficiency of the community. Unfortunately, that objective was very far from being achieved, the rural populations, on the contrary, having become steadily more impoverished.

21. In that connection, all forms of land speculation must be denounced and agrarian reform implemented with the participation of peasant organizations. The repercussions of the debt situation had been particularly serious in those countries where peasants had become entirely dependent upon a single cash crop. Their earnings had fallen under the impact of international trade, which was controlled by a small number of transnational firms.

22. Ecological imbalances had arisen as a result of unrestrained deforestation, the excessive use of chemicals in agriculture, the dumping of industrial wastes, etc. The ensuing degradation of the soil and the impact on the health of the population would be felt for generations to come. The ability of the land to provide sufficient and healthy nourishment to the population living upon it must also be regarded as a basic right. The flight from the land had given rise to the abandonment of children and minors in numbers never before seen. The absence of any policy to combat that situation must be condemned.

23. Local communities must organize to create their own development mechanisms. Unfortunately, the conflicts in the Near and Middle East constituted an obstacle to such efforts. The disparity between the resources consumed by those conflicts and the insufficient sums made available for official aid to development was scandalous.

24. The conflicts in question would have a long-term impact on the economies of many countries, thereby reducing the resources allocated for development in the 1990s. It was essential to bear in mind the interdependence between peace, development and human rights. If the right to development was to be implemented, a better control of natural resources, in particular the land, must be ensured and the crops and social structures of the rural population must be protected.

25. Ms. BLOCH (Minority Rights Group) said that her organization's report on the Sahel gave detailed evidence of the famine and conflict in that region, a situation which must not be forgotten at a time when the media were concentrating on the Gulf crisis and Eastern Europe. The right to development constituted an immense challenge to the States of the Sahel, the poorest group of neighbouring States in the world, with national per capita incomes below $US 400, the lowest life expectancy - 10 years less than the average of other poor countries - and the lowest primary school enrolment levels, as well as negative or static growth rates, the lowest level of manufacturing and industry and exceptionally meagre natural resources.

26. The 60 million people of the Sahel, of widely different ethnic, linguistic, religious and cultural affiliations, had developed local strategies for survival and growth which, from the colonial period onwards, had gradually been distorted by central administrations, leading to overutilization of poor soil and dependence on cash crops. The additional problem of political conflicts, some likewise a legacy of colonialism, had exacerbated the effect of drought in recent decades, leading to the death of millions.

27. The Sahelian countries had not lacked for aid, having received over twice as much per head as other low-income countries of Africa and six times as much per head as the poor countries of Asia. Aid had risen from $US 756 million in 1974 to $US 2,396 million in 1986. Rarely, however, had local communities been effectively consulted about it; the chief result had been growing dependence and internal corruption, added to crippling external debt, which had increased by 2,000 per cent since 1970.

28. The French-speaking countries of the area owed some $US 10 billion to institutions, as did the Sudan alone, and annual repayments consumed, on average, 35 per cent of aid receipts. Much of the aid had been inappropriate, worsening the ecological balance. Likewise, falling commodity prices and

insensitive structural adjustment programmes had made life even harder for marginal groups. The traditions and human rights of the least powerful groups had all too often been swept aside, and aid had not led to the development of local communities. The fault often lay with non-governmental agencies and international charities as well as with government bodies.

29. Although the Minority Rights Group's report reached no simple conclusion, governmental and non-governmental development agencies must recognize that the right to development was a right of peoples and local communities. At a meeting held in Mali in May 1989, representatives of Governments, aid agencies and rural Sahelian organizations, in drafting an eight-point programme, had concluded that it was of primary importance to involve local population groups in the definition and implementation of population policies. The Group's report, which had been presented to the Sub-Commission, showed that, without full consultation, participation and agreement with those affected, development programmes could do more harm than good.

30. The valuable report on the realization of economic, social and cultural rights prepared by the Sub-Commission's Special Rapporteur (E/CN.4/Sub.2/1990/19) elaborated on the indivisibility and interdependence of all human rights and noted that, if the State was to fulfil the task of implementing economic, social and cultural rights, then the people should be able to control the State. The Minority Rights Group's report showed that externally-imposed aid, or centrally-imposed development, could impoverish a society, and that the people's participation in all development programmes was essential. Her organization looked forward to the Special Rapporteur's next report, and recommended that human rights and popular participation should be taken into account in all United Nations development programmes and activities.

31. Mr. JACKSON (International Organization for the Elimination of All Forms of Racial Discrimination) said that he was speaking on behalf of the Navajo and Hopi communities of Black Mesa and Forest Lake in Arizona, an area threatened by the continued expansion of strip-mining by a United Kingdom conglomerate.

32. The tribal groups, in signing the original leases and approving the original contract, had been unaware of the massive and destructive social and environmental impact that would result. The Commission was asked to consider the environmental, economic, social and cultural rights of the people affected, paying close attention to the relationship between the expansion of strip-mining in the area and the Government's policy of population transfer, a subject which had been of concern to the Sub-Commission for some years and was reflected in its resolution 1990/34.

33. Despite representations by various opposition groups, there was no evidence of any change in a policy of the sort which the Sub-Commission had voiced concern about in resolution 1990/17; the signs were that there would be more mining, that more people would be displaced, and that the quality of land, water and air would continue to deteriorate. He urged the Commission to do its utmost to assist the efforts of the indigenous peoples to recover their natural resources and protect their culture, life and religion, for the benefit of themselves and of all mankind.

34. Mr. PAGAC (Czech and Slovak Federal Republic) said that the question of the realization of the right to development suggested a number of unconventional ideas that were worthy of reflection. Experience had shown that ideology and political practice could easily make the priority of so-called collective rights a pretext for the virtual suppression of individual rights and fundamental freedoms. In the name of common welfare and social progress, the individual's share in decision-making could be subordinated, by central authorities, to alleged "class interests" or the "leading role" of a single political party.

35. There was a notion, indeed a widespread conviction, that the provision of work, decent living conditions and social security for all sufficed for a people's welfare, but that had been proved fatally false. In the countries of Central and Eastern Europe where the individual's civil and political rights and freedoms had formerly been disregarded, the system had been a complete failure and the peoples concerned had opted for the concepts of pluralist democracy and a market economy.

36. The various human rights were closely interlinked, and interdependence was a major factor in resolving global problems - a vital aspect which the development projects and programmes of action of the United Nations system should take into account. While the Commission could not take practical action, it should strongly encourage attention to people's basic needs in that regard.

37. The Charter and the International Bill of Human Rights contained a set of standards to be met by responsible Governments if fundamental human rights, social progress and international peace and security were to be upheld. The ultimate goal embodied in those basic documents was unattainable in conditions of extreme poverty; on the other hand, development could not be decreed but had rather to be sought by the international community, by every State and by each individual.

38. His Government was endeavouring to implement the whole range of human rights. National legislation had undergone important changes during the past year; international standards were being fully implemented and constant attention was being paid, despite all the difficulties of transition towards a market economy, to living conditions and to social security, employment, housing, education and cultural issues. The Federal Assembly had recently adopted a Constitutional Charter of Human Rights and Fundamental Freedoms.

39. The interrelationship of human rights and development was a complex issue. In order to ensure conditions for development and lasting peace, all forms of foreign occupation, colonialism and hegemonism must be rejected. The Declaration on the Right to Development stemmed from a recognition that the human person was the central objective of development and that every individual should have the opportunity to participate in it.

40. Mr. STUART (Australia) said that the International Bill of Human Rights represented a major step towards universal human rights values; but the Commission still had much to do in attracting universal accession to the International Covenants on Human Rights. Particularly welcome would be accession by China and the United States, two countries which, although permanent members of the Security Council, had not yet assumed accountability under the most fundamental human rights instruments.

41. The 1993 World Conference on Human Rights, and the preparations for it, should be used to maximize the number of States parties to the Covenants. In that connection, he mentioned that, in October 1990, Australia had acceded to the second Optional Protocol to the International Covenant on Civil and Political Rights, on the abolition of the death penalty. It hoped to become a party to the first Optional Protocol in the near future.

42. With reference to the report of the third meeting of persons chairing the human rights treaty bodies (A/45/636), his delegation noted with satisfaction that the consolidated reporting guidelines and the reporting manual had been completed; it would like to know when those documents would be sent to States parties and what would be done with a view to ensuring streamlined reporting.

43. Coherence, internal consistency, complementarity and good communication were essential to the systematic monitoring of human rights instruments; his delegation thus valued the views of the meeting of persons chairing human rights treaty bodies about ways of enhancing interaction. One problem was that the Centre for Human Rights still had to rely on outdated methods in coping with the large number of reports. The chairpersons' meeting had rightly stressed that priority should be given to establishing a computerized data base; introduction of the latter would also help in the important task of addressing the needs of the Committee on the Elimination of Discrimination against Women.

44. Although his delegation remained concerned about the need to ensure adequate resources for the human rights treaty bodies, it recognized that the experiment in State party funding had not been a success, and agreed with the conclusion, voiced at the recent chairpersons' meeting, that it was up to the General Assembly, which was responsible for the proper functioning of those bodies, to ensure their adequate financing. The various remedial measures proposed, although worth while, would not themselves overcome the long-term problem.

45. His delegation which had supported regular-budget funding of recently adopted treaties, was also in favour of proposals to revert to such funding for those treaties currently financed, partly or fully, by State party contributions. It would welcome information from the Secretary-General on the financial and legal aspects of the requisite amendment procedure.

46. The United Nations could and should do more to publicize the work of the human rights treaty bodies. Its information centres should be active in disseminating the States parties' reports, particularly to professional, academic and legal circles; at the very least, every country report, and the relevant summary record, should be available at the United Nations information centre in the country concerned. The Secretary-General should be requested to keep the Commission regularly informed about the implementation of such measures; there should also be more interaction between the expert committees and multilateral bodies and non-governmental organizations, as well as a more open approach to the committees' tasks.

47. Lastly, his delegation found it cumbersome to combine consideration of agenda items 7 and 8 with that of items 17 and 18, and hoped that, at the next session of the Commission, the two pairs could be debated separately.

48. Mr. RICUPERO (Brazil) said that care should be taken, when addressing economic, social and cultural rights and the right to development, not to overlook the essential interrelationship of all rights, including civil and political rights, and the Proclamation of Teheran, the international community had recognized that human rights were indivisible and that the achievement of lasting progress in their implementation was dependent upon sound and effective national and international policies of economic and social development. The General Assembly, in adopting the Declaration on the Right to Development by its resolution 41/128, had recognized that the human person was the central subject of the development process and, therefore, the main participant and beneficiary of development.

49. Too much had been made of the issue of individual versus collective rights. In practical terms, the development process was bound to affect groups of individuals - in other words, nations - in a similar manner; a collective approach was therefore inevitable. To emphasize collective rights, on the other hand, might appear to put the individual's prerogatives at risk, but the Declaration on the Right to Development ruled out that possibility.

50. Perhaps even more dangerous than the notion of collective versus individual rights was the idea that some sort of hierarchy of rights could be established. That view ignored the indivisibility of all human rights and of human dignity. Instances abounded of how the failure to implement economic, social and cultural rights hindered the full exercise of civil and political rights, and vice versa.

51. Just as there was a link between literacy and freedom of expression, there were also links between the right to adequate food and the right to life, between adequate housing and the right to privacy, and between health and freedom of movement, to mention but a few examples. In that connection, the Australian delegation's suggestion concerning the organizing of advisory service activities deserved particular attention.

52. A further problem about drawing clear distinctions among groups of rights stemmed from the erroneous assumption that implementation of economic, social and cultural rights depended only on the State's active pursuit of certain goals, whereas observance of civil and political rights required the State only to be passive in not violating the latter. However, the true exercise of the former rights could occasionally require negative action by the State, for instance in not discriminating; more importantly, for the exercise of the latter rights, a merely passive approach could fall short of what was rightly expected of a State. The crucial point was that nothing could reduce or limit the moral responsibility of Governments to avoid anything that violated the individual's rights or freedoms.

53. The commitment to protect human rights was not subject to any condition or qualification. But moral commitment was not enough; as recognized in the Universal Declaration, human rights must be protected by the rule of law. And only a democratic system of government could ensure that men were governed by the law.

54. In Latin America, including Brazil, the trend towards consolidation of democratic institutions was well established. However, the countries of that region, as well as developing countries elsewhere, had learned that the political process was linked to the economic environment. The link between politics and economics was not a simple one, but there was no doubt about the problems it caused.

55. Concern about the tremendous impact of the external debt problem on the prospects for social development in developing countries, which had long been voiced by UNICEF in a series of studies about economic adjustment, had been set forth in the Programme of Action adopted by Heads of State and Government at the World Summit for Children, held in September 1990. That document had clearly stated the need for reducing the external debt burden and ending the negative transfer of resources of developing countries as essential steps in the promotion of the rights of the child.

56. It was therefore appropriate and necessary for the Commission to proceed with its consideration of the problem of how economic adjustment policies resulting from external indebtedness had an impact on the full enjoyment of human rights. That was a question which should also be taken up in the contacts to be established with international financial institutions by the Sub-Commission's Special Rapporteur on the realization of economic, social and cultural rights.

57. The fact of the matter was that insufficient resources and underdevelopment had a significant negative impact on the promotion of all human rights. On the one hand, poverty bred crime and violence in an unfortunate process from which even children were not spared. On the other, the work of law enforcement officials and of the judiciary was not untouched by the fiscal restrictions under which Governments, in particular those undertaking adjustment measures, were forced to operate. Budget cuts frequently led to massive lay-offs of Government personnel, which could not but render the task of law enforcement more difficult.

58. His own Government, conscious of its legal and moral obligations in the human rights field, did not believe that those problems reduced its responsibilities towards the Brazilian people in any way. It was aware, however, of the fact that international co-operation to solve economic problems, as provided for in the Charter of the United Nations and in the International Covenant on Economic, Social and Cultural Rights, was becoming ever more necessary and urgent in connection with the promotion and protection of human rights. The commitment of the international community to human rights and fundamental freedoms could not and must not be partial or superficial.

59. His delegation was pleased to see that the progress report submitted by the Special Rapporteur on the realization of economic, social and cultural rights (E/CN.4/Sub.2/1990/19) took full account of both the need for the use of statistical indicators as a measurement of progress in economic, social and cultural rights and the immense complexity involved in that effort, together with the need to avoid simplistic answers which concealed more than they revealed.

60. His delegation agreed with the observation that indicators were required not only for assessing progress in the realization of economic, social and cultural rights over time but also for determining the difficulties and problems encountered by States in fulfilling those rights. The matter deserved further consideration and, in that connection, the suggestion of holding a seminar on statistical indicators, mentioned in resolution 1990/45 of the Economic and Social Council and resolution 1990/16 of the Sub-Commission on Prevention and Discrimination and Protection of Minorities,

was a welcome one. Such a seminar should deal not only with indicators that could help to measure achievement in the realization of economic, social and cultural rights and of the right to development but also with those needed to reflect the obstacles faced by Governments in that effort.

61. The concept that social questions were nothing more than matters for the police to solve had been widely rejected. One of the important tasks facing the Commission was the need for a vantage point from which issues related to civil and political rights, including the social problem of violence and crime, could be seen also in the context of the social questions surrounding them.

62. Mr. KOUTCHINSKI (Ukrainian SSR) said that the International Bill of Human Rights and the various conventions constituted a firm foundation for the work of the Commission. It was essential therefore that all countries should become parties to those instruments. In that connection, his delegation was pleased to note the recent substantial progress in international co-operation in the human rights field which had resulted in the adoption of a number of important new instruments.

63. The projected 1993 world conference on human rights could constitute an outstanding phase in the development of international co-operation in the humanitarian field. The Conference should review United Nations activities in that important area and indicate ways and means of further strengthening the international and legal bases for the protection of human rights. At the same time, some negative trends had recently emerged which it was not possible to ignore. The failure of parties to agreements to fulfil their obligations had led to an increase in the number of reports not submitted or considered and postponement of the sessions of several treaty bodies. Accession to the standard-setting instruments was only half of the task. The standards had to be incorporated into national legislation with a view to their full implementation.

64. At the end of 1990, the Ukraine had acceded to the Optional Protocol to the International Covenant on Civil and Political Rights. His Government thus had the task of informing the general public of the contents of the Protocol and elaborating appropriate procedures within the Republic. In that connection, great hopes were placed in the Standing Commission on Human Rights of the Supreme Soviet of the Ukraine. The opening of a documentation centre at Kiev for the training of experts in the human rights field would not only serve to raise the level of qualifications of the country's specialists but also help to improve the legal knowledge of its citizens.

65. The Ukrainian SSR believed that the building of a genuinely democratic society where the principles of equality, social justice, freedom and full respect for human rights prevailed was possible only in pluralist forms of political and economic life. The formation of such a society was the goal of the Declaration on State Sovereignty of the Ukraine adopted on 16 July 1990 by the Supreme Soviet of the Ukrainian SSR. In accordance with the Declaration, the existing Constitution of the Ukrainian SSR had been amended to create a legal foundation for a multiparty system in political life and, a multisectoral system in the economics field. As a result, various political parties had become active and many social organizations and associations had been formed.

66. A Decree of the Presidium of the Supreme Soviet had introduced amendments and supplements to the statutes on religious organizations aimed at the free registration and activity of such associations. The preparation of a bill on freedom of belief and religious organizations was under way.

67. The Ukrainian SSR had adopted recently an Act on the Economic Independence of the Republic, recognizing the equality of all forms of ownership. A number of other laws had been adopted to ensure the transition to a market economy. In that connection, his Government had to face the acute question of the social protection of citizens in market-economy conditions, with particular reference to vulnerable social groups.

68. His delegation considered that States should proceed from the principle of the indivisibility and interdependence of all human rights. Social and economic development should not be accorded priority to the detriment of civil and political rights. At the same time, a high degree of respect for civil and political rights could not serve to justify such social evils as unemployment, poverty and homelessness.

69. The International Covenants on Human Rights called on States parties to fight against flagrant and mass violations of human rights. The international community still had much to do to put an end to racism and racial discrimination, to halt the shedding of blood in the occupied Arab territories, and to eliminate mercenarism, terrorism, torture and other shameful violations of the basic ideas of the Covenants.

70. His delegation had, on several occasions, expressed its satisfaction with the work of the Human Rights Committee and the Committee on Economic, Social and Cultural Rights. The orientation of those bodies towards dialogue and co-operation with States in the examination of their reports had produced positive results, which greatly promoted the businesslike and non-confrontational consideration of problems.

71. However, new global threats to the free development of the human personality were arising. As a result the scientific and technological revolution, problems relating to the economy, food, power, ecology and population had become global in nature. Their solution required a new level of interaction among States and of social and political trends irrespective of ideological or other differences.

72. Mr. ZAFAR (Pakistan) said that, by the Declaration of the Right to Development, the General Assembly recognized the need for the creation of conditions favourable to the development of peoples and individuals and underlined the responsibility of the international community to establish a new international economic order without which abstract human rights had little meaning.

73. Development and economic well-being were essential to human rights. More than 800 million persons were suffering throughout the world from economic deprivation, hunger and disease. Africa was ravaged by an unending process of economic devastation; Asia was steeped in crippling poverty and vast segments of Latin America were experiencing economic turmoil and social upheaval. It was in areas where development had either stopped or lagged behind that violations of other human rights were most prevalent. According to UNICEF,

more than 14 million children below the age of five died each year in the developing countries. Almost 40 per cent of the world's population had no access to professional health services and 35 per cent lacked safe drinking water. The Commission must address those serious and gross violations of the right to life and well-being of the overwhelming majority of the world's population.

74. Development had not yet produced any trend towards an equitable order, a situation which had given rise to many new cultural forces which, if not assuaged in time, would prove divisive of mankind as a whole. In his delegation's view, the 1993 World Conference on Human Rights should give the right to development first priority and areas fortunate enough to have prosperity should find ways and means of sharing it with other regions where mankind still lived at sub-human levels.

75. Mr. HELLER (Mexico) said that the Commission's consideration of the realization in all countries of the rights contained in the International Covenant on Economic, Social and Cultural Rights made it possible to highlight the contradictions in international economic relations and their implications for the effective enjoyment of social rights. The system of international protection created by the United Nations on the basis of the Universal Declaration of Human Rights had undergone significant change and had become enriched not only through the entry into force of the Covenants but also through the adoption of new multilateral legal instruments.

76. Human rights were indivisible and interdependent and the link between individual rights and fundamental freedoms and the right of peoples to self-determination and the promotion of their economic, social and cultural development was a strong one.

77. Over the past decade, the gap between the economies of the industrialized countries and those of the developing world had widened. The prolonged downward trend in primary commodity prices, trade protectionism and external indebtedness had contributed to a deterioration in the living conditions of developing countries which endangered the stability of political institutions and, consequently, the very existence of human rights and fundamental freedoms. The new decade had begun under the sign of uncertainty and conflict. The democratic achievements and the progress made in resolving various regional conflicts might well be frustrated if the conditions for economic and social development were not ensured. Efforts to establish an order based on international law must have their counterpart in the field of economic relations.

78. There could be no development without peace. Any conflict with global repercussions compelled the developing countries to adjust their programmes and goals in an increasingly unfavourable environment. A return to war economies and the reorientation of economic assistance could generate new imbalances and supersede matters of vital interest to the developing world.

79. The 1986 Declaration presented a real opportunity for development as a global process that implied a sustained growth of the economy and the equitable distribution of wealth as well as the creation of material conditions to make possible the full enjoyment of all human rights. However, development was also a political and cultural objective, essential to

strengthen the viability of national projects. Development entailed the free participation of individuals with equal opportunities in all tasks of society, and there was no basis for fears that promotion of the right to development tended to limit individual freedoms. History demonstrated the contrary, since the realization of the right to development strengthened the freedoms of the individual.

80. The current situation had prevented economic recovery. The most heavily indebted countries had been unable to develop because of the enormous resources transferred abroad. It had also been difficult for them to maintain social policy programmes because of the unfavourable impact of the terms of trade. The challenge of the growth of the developing countries had to be taken up by the international community as a whole, imaginatively promoting new areas of co-operation and understanding.

81. At its eighteenth special session, the General Assembly had expressed the firm will to ensure the basic right of all human beings to a life free from hunger, poverty, ignorance, disease and fear. The commitment to international co-operation for development must take the form of ambitious but realistic measures to correct economic inequalities which were the inevitable cause of political tension throughout the world.

82. Since 1988, Mexico had undergone a far-reaching process of change in which it had assumed direct responsibility for the solution of its most serious problems. The fundamental criteria which had directed renegociation of its external debt had been the need to guarantee growth and to reduce the transfer of resources to levels compatible with its development objectives. Structural reforms had been adopted to promote economic recovery. The Government had also undertaken to raise the level of living and to meet priority needs. To that end, it had substantially increased expenditure on health, education, housing and basic infrastructure and had allocated substantial resources to a national programme of solidarity for the benefit of the most disadvantaged sectors.

83. Progress had been made at the regional level with regard to South-South co-operation. The Governments of Mexico and Venezuela had offered oil at preferential prices to the countries of the Central American region. The Mexican Commission for Co-operation with Central America had implemented the Government's decision to support the development of the region. A demonstration of that offer had been the first summit meeting of the Presidents of Mexico and Central America, held in January 1991 with a view to strengthening co-operation in all areas.

84. Ms. SINEGIORGIS (Ethiopia) said that article 1 of the Declaration on the Right to Development reflected the interrelationship between all categories of human rights and the need for their equal treatment and application. It showed further the all-round impact of the realization of the right to development on the individual and society at large and that all members of society should be participants and beneficiaries of the national development process. Her delegation fully subscribed to those concepts.

85. While the role of sound domestic policies in economic growth should not be minimized, it was an undeniable fact that, in an increasingly interdependent world, the international environment also had a significant impact.

86. The right to development represented the aspirations of the vulnerable billion victims of hunger, disease, illiteracy and environmental degradation. In the rapidly deteriorating conditions of life and standards of living in the developing world, the struggle for respect of the right to development needed to be given not only due international recognition but also the requisite support and assistance.

87. While recognizing the progress made over the past four decades in respect for human rights, and for civil and political rights in particular, her delegation could not be oblivious of the fact that that effort and its outcome remained incomplete. The success of future efforts in the human rights field required not an approach of picking and choosing from the existing gamut of rights but a holistic approach which could enhance and strengthen the human worth of the individual and of society.

88. It was necessary to move away from the exclusiveness of the hard core of fundamental rights that favoured the élite over the masses and the weak over the strong, thus perpetuating dependency relations rather than aiming at their elimination. Her delegation thus attached importance to the right to development not as a substitute for already recognized rights but as an instrument for the enhancement of existing and evolving rights.

89. Empowerment of the people through the recognition of their right to development and the creation of the necessary conditions promised to be a rewarding endeavour. It must become a fundamental task for Governments, intergovernmental organizations and non-governmental organizations. In a world that was increasingly divided between the rich and the poor, the time had come to renew commitment both to the individual and to society through determined efforts to bring to the forefront those categories of rights hitherto deprived of consensual political support and the glare of publicity.

90. In conclusion, her delegation supported the need to explore ways and means of establishing an evaluation mechanism to monitor and appraise the implementation of the Declaration on the Right to Development.

91. Mr. RATSIRAHONANA (Madagascar) said that two basic ideas had emerged from the Declaration on the Right to Development and the Global Consultation on the Realization of the Right to Development as a Human Right (E/CN.4/1990/9/Rev.1). The first was that the right to development was a legitimate human right which pertained not only to individuals but also to groups and peoples. The second was that all human rights were complementary and interdependent. Hence the promotion of one category of rights should not take place at the expense of another.

92. Accordingly, development was no longer to be measured solely in terms of productivity, profitability or growth but also in terms of respect for human dignity and for all fundamental human rights. Human beings, with their needs and aspirations, should be the central subject of development.

93. On the basis of those two ideas, many developing countries had adopted political and economic liberalization policies which had been reflected in political pluralism, trade-union freedom and the recognition of the virtues of private initiative.

94. However, while the Declaration on the Right to Development had aroused great hope among the peoples of the developing countries, a large part of the developing world was currently experiencing economic stagnation. Production had declined; income distribution and living conditions had deteriorated; and many of the most disadvantaged were mired in extreme poverty and unable to meet their minimum nutritional needs.

95. Experience had shown that poverty was a source of political instability which, in the long run, would threaten the gains of democracy and the progress made in the promotion of human rights.

96. The chief cause of such stagnation was the decline in the prices of raw materials and the excessive debt burden. The decrease in export revenues and the fact that a large part of those revenues had to be devoted to interest payments explained the low rates of investment. The obstacles to development could be removed only within the framework of international solidarity.

97. The efforts made by various States and international organizations to alleviate the debt burden through bilateral or multilateral co-operation were to be commended. The Lomé Convention was a model in that regard. In view of the immensity of the need, however, such solidarity must be greatly increased.

98. Shared moral values must be accompanied by an equitable division of goods, technology and scientific progress so as to banish hunger, disease, unemployment and poverty.

99. The item under consideration was of fundamental importance for the Commission. While other international bodies were undoubtedly more qualified to consider the question of development, the Commission was best able to give it a human dimension. There could be no doubt that the exchanges of views which had taken place within the Commission and the Global Consultation had helped to bring about changes in the attitudes of the international financial institutions.

100. Mrs. SANTOS PAIS (Portugal) said that there was a renewed interest in United Nations human rights instruments and in the role of the monitoring bodies, as evidenced by the growing number of ratifications of human rights conventions. For example, the Convention on the Rights of the Child had entered into force just a few months after it had been opened for signature.

101. The conclusions of the third meeting of persons chairing human rights treaty bodies underscored the importance of those bodies for the implementation of human rights and the need to provide them with adequate conditions in which to carry out their work.

102. That meeting had reaffirmed the principle that the monitoring bodies should be financed from the United Nations regular budget. The importance of dialogue between the monitoring bodies and States parties had been emphasized, and primary consideration had been given to the dissemination of information and to training.

103. A decisive contribution in that regard would be made by the forthcoming publication of a manual to assist States parties in complying with their reporting obligations and by the dissemination of consolidated guidelines for the drafting of introductions to those reports. Training might take the form of fellowships at the Centre for Human Rights, or of seminars or workshops for

those involved in preparing the reports. She shared the view of the persons chairing the treaty bodies that meetings at the national level would make such conferences more successful by promoting internal training. It had also been suggested that a single department should be responsible for the preparation of the reports to be submitted under the various human rights conventions.

104. Her Government had adopted that approach, with good results: it had helped to centralize the information received by the implementing agencies and had ensured the uniformity and complementarity of the various reports submitted.

105. In order to enhance communication between the supervisory bodies and States parties, it was necessary to improve the information networks available to those bodies. Accordingly, she supported the proposal to establish a documentation office within the Centre for Human Rights which would contain the chief documents of the monitoring bodies, the relevant constitutions and legislative texts, and any other information which might be deemed useful.

106. The meeting had given special consideration to the need to ensure a degree of conformity between the various legal instruments. That was particularly relevant to the preparation of general comments on the interpretation of similar articles. That in turn raised the necessity of communication between the monitoring bodies, which could be accomplished by the designation of ombudsmen, the holding of meetings between working groups of various bodies or the exchange of essential information.

107. Mr. ZODIATES (Cyprus) said that the International Covenants on Human Rights were the main component of what was generally known as the International Bill of Human Rights. Hence their status as a landmark in the historic effort by the United Nations to create a system of international human rights law.

108. Although the number of States parties to the Covenants had increased in recent years, their universality had not yet been fully achieved. It was to be hoped that those States which had not yet acceded to or ratified the International Covenants would reconsider their positions.

109. However, while the universal acceptance of those instruments was of great importance for the promotion and protection of human rights and fundamental freedoms, what was most important was their full implementation by the States parties and compliance by the latter with their freely assumed obligations.

110. His country could safely boast of its own record and adherence to its international obligations in the field of human rights. Its continued membership of the principal human rights bodies of the United Nations was a reliable indication of the international respect which it enjoyed in that field.

111. However, his Government was still prevented from fulfilling all of its obligations to protect the human rights of its citizens owing to the foreign occupation of part of its territory.

112. The International Covenants themselves provided the procedures and mechanisms by which compliance could be monitored, a characteristic that represented a decisive step on the part of the international community in

promoting international co-operation. In that regard, it should not be forgotten that the obligation of a State party to the Covenants became an obligation towards the international community as a whole.

113. Mr. RIETJENS (Belgium) said that the Commission had the specific task of elaborating and developing a shared concept of human rights and fundamental freedoms, promoting those rights and monitoring their realization in all countries. The Commission was guided in that effort by the Universal Declaration of Human Rights and the two International Covenants on Human Rights, which contained its terms of reference. Since human rights were indivisible, the realization, promotion and protection of the various categories of rights should receive equal attention.

114. It was essential to bear in mind, on the one hand, that a person who lived in need and received no help from the State was not truly free, and on the other, that a State which devoted its efforts to raising the standard of living of its citizens while stifling their political, spiritual and cultural aspirations was not respecting human dignity. Efforts should therefore be made to ensure respect for all fundamental rights, whether economic, social and cultural or civil and political. The purpose of such rights was to enable the human person to choose his own destiny.

115. Therein lay the essence of the debate over the right to development. In his view, the right to development was the culmination of all human rights, as it led not only to the economic and material well-being of the individual, but also to the physical, moral, political, intellectual and cultural fulfilment of the human person. Accordingly, it was necessary to develop indicators which could measure quantitative and qualitative progress with regard to the realization of the various categories of human rights.

116. Primary responsibility for the observance of human rights rested with each State. Admittedly, the level of development of the State had an impact on its ability to ensure that its citizens could exercise their economic and social rights and to provide the necessary infrastructure for the realization of certain civil and political rights. Nevertheless, the existence of obstacles to the full realization of human rights in no way exempted a State from its responsibility for protecting and promoting those rights. An insufficient level of economic development could never excuse a failure to respect the right of a citizen to be protected from arbitrary acts on the part of the authorities.

117. States were also under the obligation to make their resources available to promote the economic and social progress and well-being of the entire population. A more equitable distribution of wealth was a priority for industrialized and developing States alike. Development and democracy were inextricably linked. Hence the State had the duty to ensure equal opportunities for the disadvantaged sectors of the population and to prevent individuals from sinking into extreme poverty and social marginalization.

118. Mr. OBAID (Iraq) said that his Government viewed the Declaration on the Right to Development as an accomplishment for mankind and a triumph for human rights. The right in question was no less important than economic, social and cultural rights or political and civil rights; indeed, it was the source of all the rights which fostered the advancement of human beings as individuals and as groups.

119. Since 1975, the international community had been endeavouring to create an appropriate climate for the realization of the right to development. Unfortunately, the developing countries still faced obstacles in their attempts to pursue development, particularly because of the inequality between the North and the South. What was even graver was the fact that, when some developing countries did manage to establish a basis for economic and industrial development in order to create the appropriate conditions for civil and political rights, the developed countries regarded that as an anomaly in the field of international economic relations. They began to draw up plans to strike at the economic structures of such developing countries by various means, including armed aggression.

120. The aggression to which his country was currently subjected was designed to implement a neocolonial policy based on repression, the destruction of independence and domination of Iraq's wealth. The aggression was being perpetrated by the United States and its allies, the United Kingdom, France and Italy, which themselves had a history of colonialism, oppression of peoples and looting of their resources.

121. The international community should not condone the aggression against his country, lest it lead to the strengthening of world domination by the United States, the United Kingdom and France and looting of the world's resources and raw materials.

122. The international situation raised the prospect of a future in which the logic of force would prevail in the name of international legitimacy, thus creating a world order in which the interests of the strong and powerful would prevail over those of the weak. If the United Nations and its various bodies, foremost among which was the Commission, did not take those facts into account, the organization stood to lose its credibility and to be transformed into an instrument for imposing traditional colonialism in a new guise.

123. The barbaric attack mounted by the United States and its allies on the economic and industrial structures of his country had struck not at military targets but at every town and village. Mosques, schools, museums, hospitals and milk factories had been bombed. Residential districts, electric power stations and water networks had also been targeted. Not even the nomadic Bedouins in the desert had been spared.

124. The economic and human destruction wreaked on his country was clear evidence of the falseness of the pretext alleged by the United States and its allies for attacking his country. They had used international legitimacy as a cover for their real aims, which were to destroy Iraq because its policies ran counter to the interests of the States in question.

125. The peoples and countries which had struggled for freedom and independence and for equitable relations among nations, calling for a new international economic order in which the raw materials producers would enjoy the natural right to exploit their own resources in a manner which they deemed necessary for their development, should carefully analyse the aggression, should support Iraq against the campaign waged by the imperialists and should note the double standards and selective approaches applied to the implementation of United Nations resolutions.